

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

James Arnett,

Plaintiff,

vs.

Benjamin Snow Howard, et al.,

Defendants.

No. 4:12-CV-00311-DTF-DCB

**MOTION**

**Alternative Service**

Plaintiff James Arnett moves this Honorable Court to allow Service of Process upon Defendant Benjamin Snow Howard, by Alternative method for the following good reasons and compelling facts:

1. Defendant failed to respond to Waiver sent on 24 April 2012, when this Case was originally filed.

2. Defendant failed to respond to Summons sent on or about 25 May 2012.

1           3. Defendant failed to respond to Waiver sent on or about 16 July 2012, by  
2 the United States Marshal Service (USMS).

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4           4. As of 21 August 2012, no Affidavit of Service appears listed on the online  
5 Pacer listing for this Case, which may indicate that the USMS was unable to effect  
6 the Service of Process to Defendant at his residence.

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8           5. Because this Case was filed on 24 April 2012, the 120 day term provided  
9 for Service may expire on or around 22 August 2012, under Federal Rule of Civil  
10 Procedure 4(m), if Alternative Service is not granted by the discretion of this  
11 Honorable Court, for good reasons, per the above facts.

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13           Wherefore, in the event that timely Service of Process was not possible to  
14 be effected by the USMS, Plaintiff prays this Honorable Court grant an Order  
15 allowing Service upon Defendant Howard by any or all of the following methods:

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17           1. Priority Mail to Defendant's current Residence;

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19           2. Priority Mail to Defendant's U.S. Post Office Box, where he directs and  
20 receives the body of his business and corporate correspondence;

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22           3. Priority Mail to Defendant's alternate Address, where he receives his state  
23 provided benefits and automobile insurance;

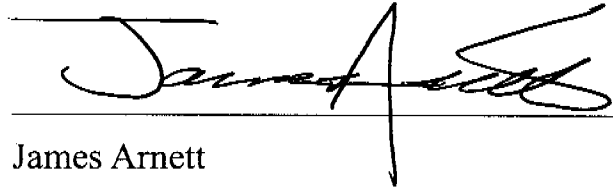
24  
25           4. Priority Mail to Defendant's current attorney, representing him in an open  
26 U.S. Court case in the Northern District of Georgia;

27  
28           5. Email to Defendant's Gmail.com personal and business email account;

1 And for such other and further relief this Court deems appropriate, in the  
2 event that Service of Process is not effected before Federal Rule of Civil  
3 Procedure 4(m) becomes applicable.  
4

5 The specifics and effectivity of the above five methods for Alternate Service  
6 are to be provided in a subsequent Memorandum, immediately preceded by a  
7 Motion requesting the Court to Seal that same Memorandum.  
8

9 Respectfully submitted this 21<sup>st</sup> day of August 2012.  
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15 \_\_\_\_\_

16 James Arnett

17 In Propria Persona (I.F.P.)

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